

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOISE PEPION COBELL,)	
et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil No. 96-1285
)	(RCL)
BRUCE BABBITT, Secretary)	
of the Interior,)	
)	
ROBERT RUBIN, Secretary of)	
the Treasury, and)	
)	
KEVIN GOVER, Assistant)	
Secretary of the Interior,)	
)	
Defendants.)	
_____)	

ORDER

On February 22, 1999, after finding the defendants to be in civil contempt of this court's orders of November 27, 1996 and May 4, 1998, this court ordered, with the consent of the parties, that a special master be appointed to this case. Pursuant to Rule 53 of the Federal Rules of Civil Procedure, the court HEREBY APPOINTS Alan L. Balaran to serve as special master in this regard.

The court's February 22, 1999 Order further stated that the special master would be appointed to "oversee the discovery process and administer document production, compliance with court orders, and related matters . . . [as] set out in a forthcoming order." In this regard, the court HEREBY ORDERS:

1. The special master shall be compensated at the prevailing market rate for his services and shall be reimbursed for all

expenses incurred in connection with the appointment. The defendants shall bear these costs.

2. The special master has and shall exercise the power to regulate all proceedings in every hearing before the master and to do all acts and take all measures necessary or proper for the efficient performance of the master's duties, as set forth in this order.

3. The special master shall promptly review the defendants' plan to bring themselves into compliance with the court's orders of November 27, 1996 and May 4, 1998. The special master shall submit to the court, with copies to defendants' and plaintiffs' counsel, his report and recommendation as to whether, assuming proper execution, the defendants' plan will bring themselves into compliance with the court's two aforementioned document production orders.

4. The special master shall oversee the discovery process in this case to ensure that discovery is conducted in the manner required by the Federal Rules of Civil Procedure and the orders of this court. The special master shall file with the court, with copies to defendants' and plaintiffs' counsel, his report and recommendation as to any discovery dispute that arises which cannot be resolved by the parties.

5. The special master is directed to file reports with the court, with copies to defendants' and plaintiffs' counsel, on the

first day of each month, for so long as his appointment remains effective. These monthly reports shall:

(a) assess the adequacy of the steps being taken to bring defendants into compliance with the court's order of November 27, 1996 and May 4, 1998, along with what additional actions, if any, the court should take in this regard; and

(b) bring to the court's attention all discovery disputes encountered in this case, as contemplated in paragraph 4 of this order, in addition to apprising the court of the status of the special master's report and recommendation as to all such disputes.

6. The special master shall file a report with the court when the defendants have brought themselves into compliance with the court's orders of November 27, 1996 and May 4, 1998. This report shall also bring to the court's attention any further issues related to compliance with these two document production orders that need to be resolved. As to any dispute in this regard, the special master shall make a report and recommendation to the court.

7. The special master shall submit his final report to the court once all discovery in this case has been concluded. This report shall certify that there are no remaining discovery disputes.

8. The special master may, at any time, call to the court's attention any matter that bears upon the defendants' compliance with any order of this court or any other applicable discovery

rule. Any information reported to the court by the special master shall also be reported to counsel for the parties.

SO ORDERED.

Date:

Royce C. Lamberth
United States District Judge